

**IN THE UNITED PATENT AND TRADEMARK OFFICE**

Attorney's Docket No.: MED-02702/29

■ In re application of: Masini

Serial No.:

Group No.:

Filed:

Examiner:

For: OPTIMIZING PATELLAR FEMORAL MECHANICS THROUGH ALTERNATIVE DEPTH  
REFERENCING

Patent No.:

Issued:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL  
ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

- the specification filed herewith.
- application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- patent no. \_\_\_\_\_, issued \_\_\_\_\_.

**I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY**

I hereby declare that I am

(a) Independent Inventor

- a below named independent inventor and that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code to the Patent and Trademark Office.

(b) Non-inventor Supporting a Claim by Author

- making this verified statement to support a claim by \_\_\_\_\_ for a small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code and I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, I had made the above identified invention.

(c) Small Business Concern

- the owner of the small business concern identified below.
- an official of the small business concern empowered to act on behalf of the concerned identified below.

NAME OF CONCERN \_\_\_\_\_ MedIdea, LLC \_\_\_\_\_

ADDRESS OF CONCERN \_\_\_\_\_ 1204 Harbrooke Ave. \_\_\_\_\_

Ann Arbor, MI 48103

and that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees

of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

an official empowered to act on behalf of the non-profit organization identified below:

NAME OF CONCERN \_\_\_\_\_  
ADDRESS OF CONCERN \_\_\_\_\_

**TYPE OF ORGANIZATION**

UNIVERSITY OR OTHER INSTITUTE OF HIGHER EDUCATION  
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
 NON-PROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
 WOULD QUALIFY AS NON-PROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

and that the non-profit organization identified above qualifies as a non-profit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

**II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

person  
(item (a) or (b) above)       concern  
(item (c) above)       organization  
item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a non-profit organization under 37 CFR 1.9(e).

no such person, concern, or organization  
 person, concerns or organizations listed below\*

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Non-Profit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Non-Profit Organization

### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

### IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

### V. SIGNATURES

*(complete only (e) or (f) below)*

(e)

*NOTE: All inventors must sign the verified statement*

Name of Inventor

Date \_\_\_\_\_

Signature of Inventor

Name of Inventor

Date \_\_\_\_\_

Signature of Inventor

OR

(f)

*NOTE: The title of the person signing on behalf of a concern or non-profit organization should be specified.*

NAME OF PERSON SIGNING \_\_\_\_\_ John G. Posa

TITLE OF PERSON SIGNING \_\_\_\_\_ Member

ADDRESS OF PERSON SIGNING \_\_\_\_\_ 1204 Harbrooke Ave.

Ann Arbor, MI 48104

SIGNATURE \_\_\_\_\_ DATE 3/10/00

Attorney's Docket No.: MED-02702/29

**COMBINED DECLARATION AND POWER OF ATTORNEY***(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)*

As the below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is the following type:

- original
- design
- supplemental

*NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part do not check next item; check appropriate one of last three items.*

- national stage of PCT

*NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- divisional
- continuation
- continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION***WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My resident, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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**OPTIMIZING PATELLAR FEMORAL MECHANICS  
THROUGH ALTERNATIVE DEPTH REFERENCING**

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**SPECIFICATION IDENTIFICATION**the specification of which: *(complete (a), (b) or (c))*

(a)  is attached hereto.

(b)  was filed on \_\_\_\_\_ as  Serial No. 0 / \_\_\_\_\_ or  Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

*NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

(c)  was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge to the duty to disclose information

which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following items, if desired)*

and which is material to the patentability of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

#### PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

(d)  no such applications have been filed.  
 (e)  such applications have been filed as follows.

*NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check Item (e). enter the details below and make the priority claim.*

#### A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE
<u>60/120,062</u>	<u>March 12, 1999</u>

**POWER OF ATTORNEY**

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ernest I. Gifford (Reg. No. 20,644)  
Allen M. Krass (Reg. No. 18,277)  
Irvin L. Groh (Reg. No. 17,505)  
Douglas W. Sprinkle (Reg. No. 27,394)  
Douglas J. McEvoy (Reg. No. 34,385)  
John G. Posa (Reg. 37,424)  
David R. Kurlandsky (Reg. No. 41,505)

Thomas E. Anderson (Reg. No. 31,318)  
Ronald W. Citkowski (Reg. No. 34,732)  
Judith M. Riley (Reg. No. 30,311)  
Douglas L. Wathen (Reg. No. 41,369)  
Ellen S. Cogen (Reg. No. 38,109)  
Avery N. Goldstein (Reg. No. 39,204)  
Robert J. Morris (Reg. No. 33,196)

SEND CORRESPONDENCE TO:

John G. Posa  
GIFFORD, KRASS, GROH, SPRINKLE,  
PATMORE, ANDERSON & CITKOWSKI, P.C.  
280 N. Old Woodward Ave.  
Suite 400  
Birmingham, MI 48009

DIRECT TELEPHONE CALLS TO:

John G. Posa  
(734) 913-9300

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole inventor MICHAEL A. MASINI

Inventor's signature Date 3/8/00Country of Citizenship USResidence Ann Arbor, MichiganPost Office Address 2950 Hickory LaneAnn Arbor, Michigan 48104CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S)  
WHICH FORM A PART OF THIS DECLARATION

Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_\_.

\* \* \*

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.

\* \* \*

Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_.

\* \* \*

Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application. Number of pages added \_\_\_\_\_.

\* \* \*

Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item

This declaration ends with this page.